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CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF: TORTURE AND DETENTION

Report of the Working Group on Arbitrary Detention

Addendum

Visit to Romania

GE.98-14982 (E)

Introduction

1. A mission of the Working Group on Arbitrary Detention, composed of Mr. Kapil Sibal (Chairman) and Mr. Petr Uhl (member), and accompanied by Mr. Markus Schmidt (Secretary) visited Romania from 27 September to 2 October 1998, at the invitation of the Government of Romania. The visit was conducted in application of Commission on Human Rights resolution 1997/50, paragraph 4, in which the Working Group was requested to examine the situation of "immigrants and asylum seekers who are allegedly held in prolonged administrative custody without the possibility of administrative or judicial remedy".

2. The Working Group expresses its gratitude to the Romanian Government for the invitation and the organization of the visit, which was marked by a spirit of full cooperation on the part of the authorities, transparency and goodwill. The Group appreciates the continuous availability of Major Alexandru Corneliu and Colonel Maximilian Turza throughout the visit. With the exception of a planned meeting with an immigration appeal judge, all meetings scheduled by the Group took place.

I. CONSULTATIONS WITH THE AUTHORITIES

3. The Working Group visited Bucharest and Giurgiu. At the Bucharest office of the Office of the United Nations High Commissioner for Refugees (UNHCR) it held discussions with representatives of non-governmental organizations and lawyers of asylum seekers. Talks with the Romanian authorities included a meeting with the four-member commission that examines and approves applications for asylum. The Group called on the Ministry of the Interior, represented by the Director-General of Frontier Police, Refugees, Aliens, Migration and Passports, Brigadier General Ovidius Paun. At the Ministry of Foreign Affairs, the Group met with the Director-General for Human Rights, Legal and Consular Affairs, Mr. Cristianu Diaconescu. Talks at the Ministry of Justice were attended by Ms. Aurel Ciobanu-Dordea, representative of Romania to the Council of Europe and member of the European Commission against Racism and Intolerance. The Working Group made a special request to meet with the head of the Office for Refugees at the Ministry of the Interior, Colonel Vasile Dragoi. Its request for a meeting with a judge deciding applications for asylum on appeal could not be met.

4. During discussions with the four members of the inter-ministerial commission deciding on applications for refugee status, it became clear that Romania has a limited capacity for internment of asylum seekers, i.e. a limited capacity at Otopeni international airport and a centre at Giurgiu. New centres are under construction in Arad (with funds from the Phare Programme of the European Community) and in Iasi; the new centre at Otopeni international airport, with 250 places, is nearing completion. After their completion, the new centres will house 500-600 persons. (The commission refers to asylum seekers as being "accommodated", not "detained".) Under the applicable procedure, one of the 23 employees of the Office for Refugees interviews the asylum seeker, and the commission renders a decision within 30 days. Only a small number of applicants - about 2-3 per cent - are interned, and this decision is not made by the commission but by the competent

police officer of the Office for Aliens and Migration. If an application is rejected, the commission produces a detailed explanation of the reasons for rejection. Within 10 days, oral proceedings are held in court, with the applicant present. It is possible to lodge an appeal against the decision of the court, which is decided by the municipal court in Bucharest in a closed hearing. The members of the commission were unable to clarify whether the second instance examines the merit of the case or whether this second instance amounts to cassation, where only possible procedural errors are examined (the Group was subsequently given a clear explanation at the Ministry of Justice). According to the members of the commission, refugee status is granted in more than 50 per cent of cases falling outside the framework of the 1951 Convention relating to the Status of Refugees, notably for humanitarian reasons.

II. THE GRANTING OF ASYLUM IN ROMANIA

5. Certain basic facts must be laid out in order to understand the legal regime applicable to asylum seekers in Romania. Romania is a transit country for asylum seekers. Many Iraqi citizens transit through Romania en route to other destinations. Many asylum seekers seeking to enter Romania use forged documents and false identities; when apprehended they are detained, since illegal entry into Romania is a criminal offence. On occasion, when asylum seekers with forged passports and visas travelling towards Western Europe are apprehended in Romania, they apply for asylum in order to avoid prosecution. The moment asylum is applied for in accordance with the law, the Ministry of Interior becomes involved and until the application for asylum is dealt with, the asylum seeker is not prosecuted. In many instances, asylum seekers have no original documentation. They either travel hidden in a train compartment or in lorries and as soon as they land at the border they request asylum. Until such time as their application for asylum is dealt with, they are either allowed to enter the country or, in certain specific situations, they are detained and sent to Giurgiu. Romania is clearly not a target country but a transit country for asylum seekers.

6. There are broadly speaking, three categories of asylum seeker. One group is composed of those who come to Romania legally through Otopeni international airport. Their apparent reason for seeking entry is business, but after they are admitted they have no intention of returning to their country of origin and overstay their visa. At that moment, their presence in Romania becomes illegal. When they are apprehended they are sent to Otopeni to be repatriated. Some of those who are apprehended after the expiration of their visas or passports request asylum, and on account of the lengthy legal procedures they are not deported. It might be noted here that on the basis of humanitarian considerations, Romania does not deport individuals to countries that are in a state of civil war or which face ethnic conflict, such as Yugoslavia.

7. The second category, who represent about 90 per cent of all asylum seekers, are those who enter Romania illegally. They are in touch with agencies who, for a consideration, help illegal entry into Romania. Some come from Turkey or Bulgaria but many come from South Asia (Bangladesh, Sri Lanka, Pakistan, India), via Moscow, the Ukraine or the Republic of Moldova. The destination of many of these persons is either Germany or Scandinavia.

8. The third category of asylum seeker is those who enter Romania as students. After having acquired academic qualifications, they overstay their student visas. They are mostly from the Islamic Republic of Iran and Iraq, as well as from Rwanda and the Democratic Republic of the Congo. Some of them, after achieving academic qualifications, establish companies and become traders. At the time of its visit, the Group was told that numerous Chinese citizens were arriving in Romania from various destinations.

9. Over the past few years, the number of asylum seekers has totalled some 500-1,000 annually, reaching 1,424 in 1997 and totalling 758 during the first eight months of 1998. Most of them - more than 50 per cent - come from Bangladesh, Iraq, Somalia and Pakistan. Only a limited number are granted refugee status - 12.7 per cent in 1997, 14.7 per cent during the first eight months of 1998. According to other statistics, in the first eight months of 1998, 38 persons were granted refugee status out of 300 appeals against negative decisions by the commission lodged with the court of first instance. Since 1994, when Romania initiated work on a new law on citizenship, no one has been granted Romanian citizenship, including those who have lived in the country for many years. The only exception are Romanian repatriates.

10. According to information given to the Group by the authorities, approximately 90 per cent of asylum seekers commit some sort of criminal offence.

11. The legal regime applicable to refugees in Romania is controlled by the Romanian Refugee Law, adopted by Parliament in March 1996 and promulgated on 2 April 1996 (Law No. 15/1996). It came into force on 5 May 1996. Some of the significant features of this law are set out below.

12. Under the terms of article 1, refugee status is granted, upon request, to a foreigner who proves that he has justified fears of being persecuted in his country of origin for reasons of race, nationality, religion, membership of a particular social group or for his political opinions. By the term "country of origin" is understood, in the case of a person with several nationalities, each country of which the person is a citizen and in the case of a stateless person, the country where he/she is domiciled. The foreigner who obtains refugee status in Romania has to comply with Romanian legislation and the international conventions relating to refugee status to which Romania is a party.

13. It is significant, however, that refugee status can also be granted for humanitarian reasons to a foreigner who does not fulfil the conditions laid out in paragraph 1 of article 1. This is provided for in article 2.

14. The procedure for granting refugee status is set out in chapter II of Law No. 15/1996. Articles 6 to 14 of which spell out a detailed procedure which requires the foreigner seeking refugee status to submit a motivated written request to the competent authorities; when such a request is made to a unit of the Border Police, entry of the foreigner into the country is permitted. After receiving the application, the General Directorate of Border Police, Aliens, Migration Issues and Passports of the Ministry of the Interior

or one of its territorial units is required to examine the documentation and issue to the individual a certificate which will serve as a temporary identity document in Romania. If the claimant does not have the necessary material means, his place of residence will be established by the authorities, who may issue him a document with which he can travel free of charge.

15. Under article 9 of Law No. 15/1996, a commission appointed by the Government and made up of representatives of the Ministry of the Interior, Ministry for Foreign Affairs and Ministry of Labour and Social Protection, which together comprise the Romanian Committee for Migration Problems, has the competence to examine the application on and render a decision at first instance. Whenever an application is made to an organ of the State for the grant of refugee status, said application is submitted to the commission within 10 days; the commission is obliged to decide on the application within 30 days of its receipt.

16. Article 10 obliges the person seeking refugee status to fulfil certain obligations. These are:

(a) To submit, in writing, a motivated application with the data indicated by the organ to which the application is to be submitted;

(b) To hand over the document used for crossing the border and to receive the document specified in paragraph 1 of article 8;

(c) To answer to the competent organs and to provide them with complete and true information regarding his person and his request;

(d) Not to leave the place of residence without the authorization of the organ to which the request was submitted or that of the commission mentioned in article 9;

(e) To present himself for the medical examinations arranged for him;

(f) To exhibit correct and civilized conduct and to obey the laws of the Romanian State and the measures established by the Romanian organs with competence in refugee matters.

17. Under article 11, however, the commission is entitled to reject the request for refugee status on the following grounds:

(a) If he does not fulfil the conditions set out in paragraph 1 of article 1;

(b) If he finds himself in one of the situations set out in article 4 (see paragraphs 33-34 below);

(c) If he does not provide, with ill intention, all the data and information needed by the Romanian organs competent for handling the claim;

(d) If he attempts to obtain refugee status by presenting erroneous data or information;

(e) If he does not comply with any of the obligations set out under article 10;

(f) If he has already been granted refugee status by another country against which he cannot invoke the application of paragraph 1 of article 1.

18. The decision to either accept or reject the application for refugee status is communicated to the claimant in writing and can be challenged by filing an appeal within 10 days of the date of communication (art. 13). The appeal is judged under an emergency procedure by the court of first instance located within a certain radius of the commission's headquarters, or by the court of first instance where the applicant has his residence. The appeal is judged by a panel of two judges with the participation of the prosecutor. If, however, the decision is against the claimant, he is subject to the provisions of the Law relating to the Regime of Foreigners in Romania (Law No. 25/1969). Thereafter, his "residence" can be directed to be established, which amounts to de facto detention. Such claimants can be sent to detention centres like Giurgiu, from where they await removal to either their country of origin or an appropriate destination. The decision of the court may be appealed to the Country Tribunal, either by the asylum seeker or by the prosecutor, within five days.

19. Article 15 confers on a person who has been granted refugee status the following rights:

(a) To remain on the territory of Romania and to obtain the documents necessary for proving his identity and for crossing the border;

(b) To choose his place of residence and circulate freely, under the conditions provided by the law on foreigners;

(c) To be employed by physical or juridical persons, to exercise any of the liberal professions, to engage in trade and other juridical acts as provided for by law;

(d) To be remunerated and benefit from other material rights deriving from activities undertaken, as well as from social security, as provided for by law;

(e) To follow primary education under the conditions established by law for Romanian citizens, and the other educational levels under the conditions provided for foreigners;

(f) To benefit from treatment equal to that accorded to Romanian citizens with respect to the freedom to practise one's religion and religious education for one's children;

(g) Free access to the judiciary and to administrative assistance;

(h) Not to be expelled or returned, except for reasons of national security or public order, and when such measures are taken, the concerned

individual cannot be sent to territories where his life or freedom would be endangered on grounds of race, religion, nationality, membership of a particular social group or political opinions;

(i) To receive on request, within the State's financial possibilities, reimbursable aid, established at the level of the minimum salary for a period of six months, if for objective reasons he lacks the necessary means of subsistence. For well-founded reasons, this aid can be extended for a period of up to three more months.

20. Under article 18, the claimant's refugee status can be revoked if:

(a) It has been granted on the basis of false statements made by the applicant or obtained by him fraudulently;

(b) After being granted refugee status, the foreigner has committed one of the acts specified in article 4 or it has been discovered that he had committed such an act before the final decision by which he was granted refugee status.

21. The above implies that if a person who has obtained refugee status commits an offence punishable under Romanian law, then his refugee status can be revoked and he may be deported. Under article 21, once a person's refugee status is withdrawn or cancelled, he is liable to be deported or removed to his country of origin or any other country. It should be noted at this stage that Romania has ratified the Convention relating to the Status of Refugees and its 1967 Protocol. The right to asylum is enshrined in article 18 (2) of the Constitution of Romania, under which "the right of asylum shall be granted and withdrawn under the provisions of the law, in compliance with the international treaties and covenants to which Romania is a party".

22. According to article 11 (2) of the Romanian Constitution, treaties ratified by Parliament are part of national law. Pursuant to article 20 (2), international regulations take precedence over internal laws, in the event of any inconsistencies between the internal laws and those pacts and treaties relating to fundamental human rights to which Romania is a party. Article 19 (3) of the Romanian Constitution guarantees that "expulsion and extradition shall be ruled by a court".

23. Despite this constitutional protection against expulsion, the 1969 Law relating to the Regime of Foreigners in Romania, which, inter alia, confers authority on the Minister of the Interior to issue an expulsion order against an alien, is still in force.

III. ADMINISTRATIVE DETENTION

24. The Working Group visited the facilities for the detention of asylum seekers at Otopeni international airport in Bucharest, the facilities at Baneasa airport, also in Bucharest, a housing facility for refugees and asylum seekers at 26 Gociu Street, Bucharest, and a shelter facility for foreign citizens in an irregular situation at Giurgiu. The Group was able to interview all the individuals accommodated at Gociu and those interned at Giurgiu without the authorities being present.

25. At the time of the Group's visit, three individuals were interned in cells at Otopeni international airport, two Pakistani citizens and one Iraqi. They appeared to be free to leave the area where the cells are located to go into the transit area, but no further. In the transit area, the Group saw about 50 Chinese citizens who had not requested asylum but had intended to enter Romania as businessmen. However, the Romanian authorities had denied them entry on the ground that they did not regard them as businessmen (Chinese citizens arriving in Romania as businessmen do not require Romanian visas). The Chinese citizens were to be returned, on the same day or the day after, by plane to Moscow. According to information conveyed to the Group by the police, some 6,500 Chinese citizens attempted to enter Romania as businessmen in the course of the first nine months of 1998.

26. Aliens are usually deported by air. Many aliens facing imminent deportation on the basis of a court decision submit an application for refugee status at the airport, immediately prior to expulsion. Until their application is processed, they are "accommodated" at the airport, sometimes for several months. At the time of the Group's visit, no one was interned at Baneasa airport.

27. The detention facility at Giurgiu is a wooden-fenced house with an adjacent yard, with three outdoor lavatories which are in extremely poor condition. The roof of the house is leaking, and individuals interned at Giurgiu complained that whenever it rained, everything was soaked. The rooms are unfurnished, and persons sleep two to a bed on thin mattresses. The kitchenette is dirty and such water as is available tends to be unclean. While material conditions of detention do not as such fall within the mandate of the Working Group, they were so degrading at Giurgiu that the Group protested during its discussions at the Ministries of Foreign Affairs, Interior and Justice.

28. At the time of the Group's visit, 61 individuals were detained at Giurgiu, most of them on the ground that their passports had been forged or had expired. The majority of them had been detained at Giurgiu for periods of between a week and two months; four had been there for over six months, and, on the basis of the information given to the Group, no one for more than eight months.

29. While the authorities did not indicate to the Group the total number of detained asylum seekers in Romania, it is clear that there is currently no facility other than Giurgiu where asylum seekers are interned. Some of the individuals interviewed by the Group at Giurgiu had previously been detained in prison facilities in other parts of the country, after having sought asylum to prevent prosecution for illegal border-crossing.

IV. MATTERS OF CONCERN RELATING TO THE IMPLEMENTATION OF THE LAW APPLICABLE TO REFUGEES

30. In its application, the law applicable to refugees brings about the following anomalies:

(a) A large number of asylum seekers, a majority of whom are economic migrants, are apprehended when they attempt to cross the border illegally.

They may orally ask for asylum at that stage, but such a request is disregarded since the refugee law requires a written motivated application for seeking asylum, and that within a period of 10 days of crossing the border. A large number of illegal immigrants are neither well versed in the law and its procedures, nor are they familiar with the language or the environment of an alien land. Having sought to cross the border illegally, thereby committing a criminal offence, they are naturally interned and dealt with under normal criminal statutes even though they might have orally asked for asylum;

(b) Those whose applications are pending or who have been granted asylum are subject to the harsh legal regime of Law No. 15/1996, as their application for refugee status is dismissed or their refugee status cancelled in the event that they have violated, for example, article 10 of Law No. 15/1996. In that eventuality, they are dealt with under the regime applicable to aliens. Since their status as refugees can be revoked or their application rejected on the basis of rather unsubstantiated or vague criteria, they are always at risk of being dealt with under the Law relating to the Regime of Foreigners (No. 25/1969) - which affords no real remedy. Even the remedy of habeas corpus is neither applicable nor available. They are, accordingly, constantly under the threat or risk of arbitrary detention;

(c) For those to whom the Law No. 25/1969 applies, there is no judicial remedy which would allow for the legality of their deportation to be determined. Even though the Romanian Constitution stipulates (see article 19 (3)) that a person cannot be expelled or extradited except after a court ruling, the expulsion or deportation of a person regarded as an alien under the Law is not effected pursuant to any judicial proceeding in which the person concerned is ordered to be deported.

31. Article 22 of Law. No. 15/1996 seeks to limit the duration of refugee status to three years with the possibility of an extension for up to a maximum of another two years if the refugee proves once again that he or she still meets the definitional criteria in Law No. 15/1996.

32. It is a cause for concern that in the Refugee Law, the right to protection against refoulement applies to recognized refugees only. The Law makes no express reference anywhere to protection against refoulement in the case of asylum seekers.

33. Article 4 of Law No. 15/1996, which sets out grounds for exclusion from refugee status for certain categories of persons, far exceeds the exclusion clauses of article 1 D, E and F of the 1951 Convention. For example, in the case of serious non-political crimes, whereas the 1951 Convention excludes from refugee status only persons who have committed such crimes outside the country of refuge prior to their admission in that country, the Romanian Law also excludes from refugee status (under article 4 (b)) persons who have committed any offence on the territory of Romania "for which the law provides a punishment of more than three years of imprisonment". Such an offence may include, for example, illegal crossing of the Romanian border, which is punishable by varying terms of imprisonment ranging from three months to seven years under the Law concerning the Frontier of the Romanian State (Law No. 56/1992). Also excluded from refugee status under article 4 (c)

of Law No. 15/1996 are persons who have "committed deeds which are contrary to ... international treaties and conventions concerning refugees and to which Romania is a Party".

34. In addition to the exclusion clauses in article 4 of Law No. 15/1996, article 10 imposes on applicants for refugee status a number of obligations, enumerated in paragraph 16 above, which, if not complied with, would lead to automatic rejection of an application pursuant to article 11 (e) of the Law. Leaving one's place of residence without authorization is considered under Law No. 15/1996 sufficient reason automatically to reject the asylum application, leading to immediate detention and the application of the Law relating to the Regime of Foreigners.

35. Under article 6 of Law No. 15/1996, asylum seekers must apply for refugee status within 10 days of their entry into Romania. Article 6 automatically bars from access to the territory of Romania undocumented asylum seekers who do not "arrive directly" from a country where their life or liberty is threatened on any of the grounds contained in article 1 of the Law. As such, the Law confers authority on the border guard/police officer, who does not necessarily have up-to-date knowledge about conditions in countries of origin of asylum seekers, to determine the evidential and credibility issues pertaining to the refugee claims of persons seeking admission to the territory of Romania without valid documents or an entry visa. Article 6 of Law No. 15/1996 also appears to incorporate into the legislation the notion of a "safe third country" without expressly defining it or giving any indication as to the scope of its application. The implementation regulations for the Law, issued by the Government on 13 November 1996 as Government Decision No. 1182, interpret "direct arrival" as including situations where the asylum seeker "transits third countries which are not signatory to international conventions relating to the status of refugees" or where he/she "was unable to claim refugee status on the territories of transited countries owing to reasons not imputable to him/her". As far as its application in practice is concerned, the "direct arrival" provision of article 6 has not been limited to the question of admission of undocumented asylum seekers as provided for in the Law, but has also been relied on by the inter-ministerial commission in the determination of refugee status at first instance. In a number of cases, the commission has used this provision as a "test of credibility" and held in effect that a well-founded fear of persecution could not be established where an applicant has transited any third State which is signatory to the 1951 Convention. An applicant so rejected is not returned to the presumed "safe third country" he/she transited so that the authorities of that country can examine the applicant's asylum request, but is liable to expulsion to his/her country of origin once the appeal procedure is exhausted.

36. Asylum seekers held in the transit zone of Otopeni international airport subjected to deprivation of liberty do not benefit from the constitutional guarantees that "any person detained ... shall be promptly informed, in a language he understands, of the grounds for his detention ... and that notification of the charges against him shall be made only in the presence of a lawyer. ..." Nor are they informed about the practical steps they must take in order to request refugee status in Romania if they have a well-founded fear of persecution if returned to their country of origin. This is primarily

because the Romanian authorities do not consider this category of asylum seeker to have "entered" Romania and to be subject to Romanian jurisdiction.

V. CONCLUSIONS AND RECOMMENDATIONS

37. The Working Group believes that illegal immigrants who may not have filed a motivated written application for asylum should be granted the same treatment as those who formally seek asylum as prescribed by the law. Otherwise, such illegal immigrants are subject to detention and removal or expulsion from Romania without any legal safeguards and without their expulsion having been ruled upon by a tribunal, thus rendering their detention and subsequent removal arbitrary.

38. The Romanian Government is requested to ensure that the criminal offence of crossing the border, punishable by three years' imprisonment or more, is not made the basis for rejecting the application for asylum, which automatically results in removal and deportation without the intervention of a tribunal, thus making the operation of the legal regime harsh and inconsistent with article 9 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

39. The personnel of the Border Police should be sufficiently sensitized to the problems arising from the influx of illegal immigrants into Romania so that such immigrants are not arrested and prosecuted before they can convey their intentions and have them understood. An oral intention to seek asylum should be given the same status as a motivated written application; otherwise, an asylum applicant is liable to be arrested arbitrarily on technical grounds.

40. The situation arising from criteria enumerated in articles 4 and 10 of Law No. 15/1996, pursuant to which the refugee status of an individual may be revoked, resulting in detention and removal from Romania, exposes every refugee to grave risks of arbitrary detention. The Working Group recommends that the Government eliminate from the Law such criteria as those indicated in the articles cited, since they give wide powers to the authorities.

41. The situation arising from the limited duration of refugee status granted to applicants under article 22 of Law No. 15/1996 should be remedied, as it is inconsistent with article 14 (1) of the Universal Declaration of Human Rights.

42. Protection against refoulement should be made to apply to all asylum seekers instead of recognized asylum seekers only.

43. The exclusion clauses in Law No. 15/1996 should be made consistent with the exclusion clauses of article 1 D, E and F of the 1951 Convention relating to the Status of Refugees.

44. The Working Group believes that the power conferred by article 18 of Law No. 25/1969 (the Law relating to the Regime of Foreigners) to determine the place of residence of individuals to be governed by its provisions is nothing short of the power of detention, ex facie arbitrary, since the Law requires no reason to be given to the individual at the time of detention. The Law does not even entitle the individual to seek legal recourse in the

event of the exercise of such power. Considerations of public order or State security, as applied to those seeking asylum or to those whose refugee status may be revoked on the basis of vague or imprecise criteria, make said provisions inconsistent with article 14 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights. A similar provision in article 8 of Law No. 15/1996 is subject to the same criticism, even though the Group was told that the police do not apply this provision in the case of asylum seekers.

45. The Working Group recommends that the situation be remedied by provision of adequate legal safeguards, consistent with international standards for the protection of the individual, and by making available adequate judicial remedy or remedies.

46. Law No. 25/1969 should provide for adequate legal safeguards and remedies for all aliens who are facing expulsion or extradition consistent with international legal instruments (e.g. the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights).

47. Law No. 25/1969 must be brought into conformity with article 19, paragraph 3, of the Romanian Constitution which prohibits any expulsion and extradition in the absence of a court ruling.

48. All asylum seekers subjected to deprivation of liberty should be granted constitutional protection, be informed promptly of the grounds for their detention and be afforded all legal remedies available to them with a view to obtaining their release.

49. Detainees should be provided, at the time of their detention, with the reasons for their detention in a language which they understand.

50. Detainees should be provided, at the time of their detention, with a written explanation of their rights and how to exercise them.

51. Each decision to detain should be reviewed as to its necessity and compliance with international standards by means of a prompt, oral hearing by a court or similar competent independent and impartial review, accompanied by the appropriate provision of legal aid. In the event that continued detention is authorized, detainees should be able to initiate further challenges against the reasons for detention.

52. Detainees should be given adequate access to their legal representatives, their relatives and to officers of the United Nations High Commissioner for Refugees.

53. Specialized non-governmental organizations, the Office of the United Nations High Commissioner for Refugees and the legal representatives of detainees should be granted access to all places of detention, including the transit zones at international ports and airports.

54. All staff should receive appropriate training related to the special situation and the needs of asylum seekers in detention.